

**PART 1. SKETCH PLATS.**

**4-101. Application for Subdivision Approval.** Submission of a sketch plat prior to the submission of a preliminary plat is encouraged, particularly for large-scale and complex projects, to provide documented advice on the content of the plat. Any person desiring to subdivide land that is subject to the provisions of these regulations may, at his discretion, file with the Planning Department an application that states the name and address of the person making the application, identifies the location of the land to be subdivided, and describes the proposed subdivision in general terms, including the approximate number of proposed lots and typical lot widths and depths. Five copies of the proposed sketch plat of the subdivision shall be submitted with the application.

**4-102. Filing Fee.** The sketch plat shall not be accepted until the filing fee provided for in Section 3-301 (A) (1) of these regulations has been paid by the subdivider.

**4-103. Development of Sketch Plat.** Within 14 days after it receives an application for approval of a subdivision, the Planning Department shall be available to confer with the subdivider to develop a mutually acceptable sketch plat of the subdivision. The sketch plat shall contain the data and information set out in Section 4-101 and Section 5-201 of these regulations.

**4-104. Failure to Agree on Sketch Plat.** If the subdivider and the Planning Department are unable to reach agreement on the characteristics of the sketch plat within 30 days of the date that the application for approval of a subdivision is filed, the subdivider may appeal to the Subdivision Committee of the Planning Commission for a determination with respect to the characteristics of the sketch plat that the subdivider and the Planning Department have been unable to agree. In such event, the subdivider shall submit such number of copies of the sketch plat as may be determined necessary by the Planning Department for distribution to the Subdivision Committee and the Utility Advisory Committee. The Subdivision Committee shall consider the sketch plat appeal at their first regular meeting following the conclusion of the above-referenced thirty (30) day period.

**PART 2. THE PRELIMINARY PLAT.**

**4-201. Filing of Preliminary Plat.** Such number of copies of the preliminary plat, as may be determined necessary by the Planning Department for proper review by the Subdivision Committee and the Utility Advisory Committee, shall be filed with the Planning Department within one (1) year of the date that the Planning Department, or the Subdivision Committee of the Planning Commission, has approved the sketch plat. When the plat is to be referred to any governing body or other planning commission as required in Section 3-103 of these regulations, five (5) additional copies of the plat shall be submitted.

**4-202. Filing Fee.** The preliminary plat shall not be accepted for scheduling before the Subdivision and Utility Advisory Committees until the filing fee provided for in Section 3-301 (A) (2) of these regulations has been paid by the subdivider.

**4-203. Contents of Preliminary Plat.** The preliminary plat shall contain the information and data set out in Section 5-302 of these regulations.

**4-204. Distribution and Review of Preliminary Plat.** The Planning Department shall distribute copies of the preliminary plat to the Subdivision Committee and the Utility Advisory Committee. The Planning Department shall review the preliminary plat and prepare a staff report containing recommendations.

**4-205. Action by Planning Commission on Preliminary Plat.** The Subdivision Committee shall review the preliminary plat and may conduct a public hearing, at which time interested persons may attend and offer evidence in support of or against the preliminary plat.

- (A) The Subdivision Committee shall determine, based on the evidence presented before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the comprehensive plan(s) of the area, the zoning regulations in force in the area, and other applicable provisions of ordinances, regulations, or policies of the local governments.
- (B) If the foregoing considerations are satisfied, the Subdivision Committee shall approve, in writing, the preliminary plat.
- (C) If the Subdivision Committee determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest changes needed to satisfy the conditions, and in such event:
  - (1) The applicant may agree to incorporate requested changes in the final plat and be permitted to develop the final plat without submitting the preliminary plat for further review.
  - (2) The Subdivider may amend the preliminary plat in order to incorporate the changes needed and resubmit the preliminary plat to the Subdivision Committee shall then grant its approval if the amendments satisfy the changes needed;
  - (3) The Subdivider may reject the changes required by the Subdivision Committee and appeal the findings of the Subdivision Committee to the Planning Commission as provided for in Section 10-101 of these regulations. In the event the Subdivision Committee does not approve the preliminary plat, the Planning Department shall furnish the Subdivider with a written statement setting forth the reasons for disapproval.
- (D) If the Subdivision Committee determines that the preliminary plat does not satisfy the foregoing conditions and that changes needed would be too extensive or impractical, it shall disapprove the preliminary plat and the subdivider shall immediately be advised of its action and reasons for disapproval.
- (E) The Subdivision Committee shall approve or disapprove the preliminary plat within 60 days from the date of the filing of the plat, unless such time is extended by mutual consent. If the preliminary plat is disapproved, then within ten days after disapproving the plat the Planning Department shall furnish

the subdivider with a statement in writing setting forth the reason for such disapproval. This statement shall specify why the proposed preliminary plat fails to conform to the requirements of these regulations, the comprehensive plan, zoning regulations in force in the area and other applicable provisions of the ordinances, regulations, and policies of the City and/or County.

- (F) The Planning Director may appeal a preliminary plat to the Planning Commission, in whole or in part, if in his opinion, as provided for in Section 10-101, the plat does not meet the spirit or intent of these regulations, recognized plans, policies, or standards.

**4-206. Failure of Subdivision Committee to Act on Preliminary Plat.** If the Subdivision Committee fails to approve or disapprove a preliminary plat within 60 days after the date the plat is submitted, then such preliminary plat shall be deemed to have been approved, unless the subdivider consents to extend or waive the 60-day time limitation.

**4-207. Effect of Approval of Preliminary Plat.**

- (A) Approval of the preliminary plat shall not constitute approval of the subdivision by the Subdivision Committee or the Planning Commission, but shall only signify the general acceptability of the proposed subdivision.
- (B) Approval of the preliminary plat shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision and for all public improvements to be constructed as a part of the subdivision by the subdivider.
- (C) Approval of the preliminary plat shall be effective for no more than three (3) years from the date approval was granted. If a final plat has not been submitted for review by the Subdivision and Utility Advisory committees within the three-year period, the Planning Department shall close the preliminary plat file and so notify the subdivider and platting surveyor.

**PART 3. FINAL PLATS.**

**4-301. Filing of Final Plats.** The final plat, on mylar, cronoflex or on other such material as may be authorized by these regulations, together with the same number of copies as are required for submission as a preliminary plat shall be filed with the planning department within three (3) years after the date that the preliminary plat was approved.

**4-302. Action by Subdivision Committee.** The Subdivision Committee shall approve a final plat if:

- (A) It is substantially the same as the approved preliminary plat;

- (B) There has been compliance with all the conditions, restrictions and requirements of these regulations and of the other applicable regulations or laws;
- (C) There has been compliance with any conditions that may have been required at the time of preliminary plat approval.

If the Subdivision Committee disapproves the final plat, the Planning Department shall advise the subdivider in writing of the reasons for disapproval within ten (10) days after disapproval. The recommendations of the Subdivision Committee shall be forwarded to the Planning Commission for final action and review.

**4-303. Action by the Planning Commission.** The Planning Commission shall, within 60 days after the final plat has been approved by the Subdivision Committee, either approve or disapprove the final plat. If the final plat is disapproved by the Planning Commission, then within 10 days after disapproving the plat, the Planning Department shall advise the subdivider in writing of the reasons for disapproval. Approval of the final plat by the Planning Commission shall be effective for no more than three (3) years from the date approval was granted. If the subdivider has not met all conditions of approval established by the Planning Commission within the three (3) year period, the Planning Department shall close the final plat file and so notify the subdivider and platting surveyor.

**4-304. Failure of Planning Commission to Act on Final Plat.** If the Planning Commission fails to act on the final plat within 60 days after the Subdivision Committee reviewed the final plat, the final plat shall be deemed to have been approved unless the subdivider has consented to extend or waive the 60-day time limitation.

**4-305. Submission to Governing Body.** Before a final plat is recorded, it shall be submitted to the appropriate governing body for approval and acceptance of streets and other public ways, service and utility easements, and land dedicated for public use, the acceptance of covenants, and the approval of guarantees for improvements associated with the plat. When located within the City of Wichita, acceptance of such dedication shall be shown over the signature of the Mayor or any other City official duly authorized to act during the absence or disability of the Mayor. This signature shall be attested to by the City Clerk. When any portion of a final plat is located in the unincorporated area of Sedgwick County, it shall also be submitted to the Board of County Commissioners for approval and acceptance of dedications. The failure of the governing body of the City or the Board of County Commissioners to approve the plat shall be deemed to be a refusal to accept the proposed dedications shown on the plat.

For those final plats located on unincorporated property within three (3) miles from the Wichita City Limits, the plat shall be submitted to the Wichita City Council, for review and approval, prior to the plat being submitted to the Board of County Commissioners.

#### **PART 4. FINAL PLATTING OF A PORTION OF AN OVERALL PRELIMINARY PLAT.**

**4-401. Authorization.** An approved overall preliminary plat may be final platted in pieces rather than as a whole, provided the following conditions are met:

- (A) Each final plat shall contain sufficient area to install improvements economically. The final plat should, if possible, contain at least 20 lots.
- (B) The approval of the Director of Planning is obtained. The decision of the Director of Planning to authorize the final plat shall be based upon the advise of the local Public Works or Engineering Officials as to the feasibility of installing required improvements.
- (C) At least one (1) final plat shall be submitted for approval within three (3) years from the date of approval of the overall preliminary. All final plats for the overall preliminary plat shall be submitted for approval within five (5) years from the date that the overall preliminary plat was approved. The Director of Planning may, on application of the subdivider and after at least one final plat has been recorded, grant extensions of time to submit additional final plats. Each such extension of time shall be for no more than one (1) year.
- (D) All steps required for the approval of final plats, including the recording of the plat, shall be complied with.

#### **PART 5. APPROVAL OF PLATS FOR SMALL TRACTS.**

**4-501. Authorization.** If a proposed plat complies with the requirements of Section 4-502 of these regulations, the Planning Commission may approve a final plat without the Subdivision Committee approving a preliminary plat.

**4-502. Requirements.** In order to qualify for approval in the manner provided in Section 4-501 a proposed plat shall comply with the following requirements:

- (A) The proposed plat shall include not more than ten (10) acres for a residential plat, nor more than five acres for any other type of plat;
- (B) The proposed plat shall create not more than five (5) lots.
- (C) No public street or easement of access is sought to be dedicated or is contemplated or projected through (as opposed to adjacent to) the lot;
- (D) The proposed plat shall be in the form required by Section 5-401 of these regulations and shall contain all the data, information and certificates required on final plats by Section 5-402 of these regulations;
- (E) The final plat shall not be accepted for scheduling before the Subdivision and Utility Advisory Committees until the filing fee provided for in Section 3-301(A)(3) of these regulations has been paid by the subdivider;
- (F) Submission of 40 copies of a vicinity map as described in Section 5-302(D)(1) that shall indicate existing topography, location of existing utilities on or adjacent to the property and location of existing buildings on the property.

4-503. Procedure.

- (A) Final plats submitted for approval pursuant to Section 4-501 shall be filed with the Planning Department so that the plat may be submitted to the Subdivision and Utility Advisory Committees for review. The Planning Department may require the subdivider to submit the topographic information listed in Section 5-302(B)(2) whenever the property proposed to be subdivided or resubdivided is traversed by, or is adjacent to, a known water course, including intermittent streams.
- (B) The approval of final plats by the Planning Commission pursuant to Section 4-501 shall be subject to the provisions of Section 4-301 through 4-305, inclusive, of these regulations, except the said sections require prior approval of or compliance with, an approved preliminary plat.

**PART 6. ONE-STEP PRELIMINARY AND FINAL PLAT.**

**4-601. Authorization.** For any plat required by these Subdivision Regulations, the applicant may choose to submit such plat as a one-step preliminary and final plat for purposes of required review and approval by the Subdivision Committee, Planning Commission and Governing Body(ies). An applicant shall submit simultaneously a preliminary and a final plat for property intended to be subdivided. Except for as provided by Section 4-602 through 4-606, such preliminary and final plats shall be subject to all applicable requirements of the Subdivision Regulations.

**4-602. Submittal.** Such one-step preliminary and final plat shall be submitted on or before the closing date indicated by the adopted MAPC/Subdivision Committee schedule. The plat shall clearly note that the plat is being submitted as a one-step preliminary and final plat. Such number of copies of the one-step preliminary and final plat as may be determined necessary by the Planning Department for proper review by the Subdivision Committee and the Utility Advisory Committee shall be filed with the Planning Department, however in no case shall less than 35 copies be provided. Further, as required by Section 5-403, supplemental information shall be provided at the same time that the one-step preliminary and final plat is submitted.

**4-603. Fees.** A fee as provided for by Section 3-301 shall be paid by the subdivider.

**4-604. Contents of a One-Step Plat.** A one-step preliminary and final plat shall contain all information required of a preliminary plat (as described in Article 5 Part 3) and a final plat (as described in Article 5, Part 4)

**4-605. Action by Planning Commission on a One-Step Plat.** The Subdivision Committee shall review the one-step plat and may conduct a public hearing. The Subdivision Committee shall determine, based on the information presented, whether the combined plat meets the design and development standards prescribed by there regulations, the comprehensive plan(s) of the area, applicable ordinances, regulations, or policies of the local governments.

- (A) If the foregoing considerations are satisfied, the Subdivision Committee shall approve, in writing, the combined plat.

- (B) If the Subdivision Committee determines that the plat does not satisfy the foregoing conditions, it may:
- (1) Recommend changes needed to satisfy the committee's concerns, and the applicant can agree to incorporate said changes in the plat without further review by the Subdivision Committee;
  - (2) The Subdivider may amend the one-step plat to incorporate the changes needed and resubmit the combined plat to the Subdivision Committee shall then grant its approval if the amendments satisfy the changes needed;
  - (3) The Subdivider may reject the changes required by the Subdivision Committee and appeal the findings of the Subdivision Committee to the Planning Commission as provided for in Section 10-101 of these regulations. In the event the combined plat is not approved by the Planning Commission, the Planning Department shall furnish the Subdivider with a written statement setting forth the reasons for disapproval.
- (C) If the Subdivision Committee determines that the one-step plat does not satisfy the foregoing conditions and that changes needed would be too extensive or impractical, it shall disapprove the combined plat and the Subdivider shall, within ten (10) days, be advised of its actions and reasons for disapproval.
- (D) The Subdivision Committee shall approve or disapprove the one-step plat within 60 days from the date of filing of the plat or the plat shall be deemed to have been approved unless such time is extended by mutual consent.
- (E) The Planning Director may appeal the Subdivision Committee's decision on a one-step plat to the Planning Commission in whole or in part, if in his opinion, the plat does not meet the intent of the regulations, recognized policies, standards or plans as referenced in Section 10-101.

**4-606. One-Step Plat (Tracing) Submittal for Governing Body Approval.** Following Planning Commission approval of a one-step plat, the plat shall be scheduled as appropriate for governing body review and action as specified in Section 4-305.

## **PART 7. PLATTING AS A CONDITION OF ZONING CHANGE APPROVAL.**

**4-701. Authorization.** Where platting or replatting is required as a condition of rezoning, the time period for completing the platting process shall be established at one year from the time of approval of the zoning by the City Council or County Commissioners. Exceptions may be made in accordance with Policy Statement No. 5 as included in the Appendix.